

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

MARYLYN G. WARREN

V.

FARM SERVICE AGENCY, USDA

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C.A. NO. C-05-293

**ORDER TO SHOW CAUSE**

Plaintiff, Marylyn G. Warren, appeals an administrative decision by defendant, Farm Service Agency. (D.E. 1). Plaintiff sought to proceed in forma pauperis because she asserted that she could not afford the \$250 filing fee. United States Magistrate Judge B. Janice Ellington issued an order allowing plaintiff to file her complaint without prepaying the filing fee. Warren v. U.S. Dep't of Agric. Fed. Serv. Agency, No. C-05mc41 (Order dated June 10, 2005). Plaintiff was required to pay the filing fee in ten monthly installments of \$25 on the tenth of each month. Id. If she was unable to pay the \$25 in a given month, plaintiff was required to file an affidavit explaining why she could not make the payment. Id.


Plaintiff made her July 2005 payment, albeit late, on July 18, 2005. She timely made her August 2005 and October 2005 payments. She did not make a payment in September 2005, nor has she made a payment since October 2005. Plaintiff has never filed an affidavit explaining any of these failures to make the payment.

Additionally, plaintiff has failed to properly effect service on defendant. See Fed. R. Civ. P. 4(i). First, plaintiff never attempted to serve the Attorney General of the United States. See Fed. R. Civ. P. 4(i)(1)(B). Second, the summons and complaint were returned unexecuted as to agency. (D.E. 5); see also Fed. R. Civ. P. 4(i)(1)(C). Third, it does not appear that the United States Attorney was properly served. (D.E. 4); see also Fed. R. Civ. P. 4(i)(1)(A) (service is

properly made “by sending a copy of the summons and of the complaint by registered or certified mail addressed to the civil process clerk at the office of the United States attorney”).

An action may be dismissed if the plaintiff fails to prosecute it, or to comply with any order of Court. Fed. R. Civ. P. 41(b). It is therefore ORDERED that plaintiff shall, within **twenty (20) days** of the entry of this order, show cause as to why this action should not be dismissed for want of prosecution.

ORDERED this 27th day of January 2006.

  
BRIAN L. OWSLEY  
UNITED STATES MAGISTRATE JUDGE